

10.04.2025

Court No. 35

Item No.10

Rakib

W.P.A. 26494 of 2024

Abhijit Roy.

VS

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,

Mr. Pintu Karan,

Mr. Sabab Uddin Laskar,

Ms. Sayani Manna.

... for the Petitioner.

Mr. Vimal Kr. Shahi, Ld. AGP,

Ms. Reshma Chatterjee.

...for State.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that inspite of direction passed by the learned Civil Judge (Junior Division), Amta, Howrah in connection with the T.S. 78/2021, wherein the petitioner/plaintiff was restrained by the private respondents and disturbing the peaceful possession of the petitioner/plaintiff in the suit. The private respondents had been continuing their illegal objective of interfering with the peaceful possession of the property, forcefully trying to enter the property of the petitioner and are also trying the change the nature and character of the property. When the petitioner resisted such illegal acts of the private respondents he was subjected to assault and abuses. Information was furnished before the police authorities, however, inspite of informing the police authorities no action has been taken.

Learned advocate for the State opposes the contentions and submit that whenever there has been crisis of law and order the police authorities have taken steps in accordance with law. Enquiry was conducted by the police authorities. However, since the Civil Court is already in seisin of the issue until and unless specific directions are passed by a Court of law, police authorities would be reluctant to take any steps in a dispute which is civil in nature.

Having considered the submissions advanced by both the parties, I am of the view that the petitioner if is so advised, petitioner would approach the Civil Court for necessary direction upon the police authorities. In case such direction is passed upon the police authorities they would respect, obey and implement such order.

In the meantime police would ensure that there is no breach of the peace and/or any tranquility and/or any untoward incident resulting because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 26494 of 2024 is disposed of.

Report so submitted by the State be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)